

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

LPA No.199/2007

Municipal Council, Pawani Vs. Diwakar s/o Abaji Harde and another.

Office Notes, Office Memoranda of Coram
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's Orders

CORAM : A.P. LAVANDE AND
R. V. MORE, JJ.
DATED : 10TH AUGUST, 2007

Heard Mr. Dhattrak, learned counsel for the
appellant.

The appellant takes exception to the order
by which the learned Single Judge allowed Misc. Civil
Application No.1240/2006 and set aside order dated
27.4.2004. passed by learned Single Judge of this
Court. Respondent no.1 challenged assessment of
tax and filed an appeal against the present appellant
which was delayed by 18 days. Learned Judicial
Magistrate First Class dismissed the appeal on the
ground of limitation and the order was maintained by
the Revisional Court, learned Single Judge of this
Court by order dated 27.4.2004 dismissed Writ
Petition No.987/2004 filed by the appellant. By the
impugned order dated 25th June 2007 passed by

learned Single Judge granted review of the order dated 27.4.2004 on the ground that there was mistake on the part of the Advocate appearing on behalf of the appellant in not filing the application for condonation of delay and, therefore, the petitioner should not suffer.

Mr. Dhatrik, learned counsel for the appellant submitted that learned Single Judge has not properly exercised jurisdiction in allowing review application. However, Mr. Dhatrik fairly submitted that respondent has already paid taxes of Rs. 1478/- . In this view of the matter, we are not inclined to interfere in LPA against the impugned order. By the impugned order, substantial justice has been done. Therefore, we are not not inclined to exercise the appellate jurisdiction against the impugned order.

For the reasons aforesaid, LPA is hereby rejected.

JUDGE

JUDGE

MLA.